

Service of Legal Documents Abroad

- [Print](#)
- [Email](#)

DISCLAIMER: THE INFORMATION IN THIS CIRCULAR RELATING TO THE LEGAL REQUIREMENTS OF SPECIFIC FOREIGN COUNTRIES IS PROVIDED FOR GENERAL INFORMATION ONLY AND MAY NOT BE TOTALLY ACCURATE IN A PARTICULAR CASE. QUESTIONS INVOLVING INTERPRETATION OF SPECIFIC FOREIGN LAWS SHOULD BE ADDRESSED TO FOREIGN COUNSEL.

PROHIBITION: Foreign Service officers are prohibited by Federal regulations ([22 CFR 92.85](#)) from serving process on behalf of private litigants or appointing others to do so, state law notwithstanding.

[Service by Foreign Central Authority Pursuant to Multilateral Treaty or Convention](#)

[Hague Service Convention](#) [Inter-American Convention on Letters Rogatory U.S.](#)

[Central Authority for Hague and Inter-American Service Conventions](#)

[Service by Mail](#)

[Hague Service Convention Treaty Obligation Not to Serve by Mail](#)

[Service by Publication](#)

[Waiver of Service](#)

[Service Pursuant to a Letter Rogatory](#)

[Service of Subpoenas](#)

[Service on a Foreign State, Agency or Instrumentality](#)

SERVICE BY FOREIGN CENTRAL AUTHORITY PURSUANT TO MULTILATERAL TREATY OR CONVENTION: ([Rule 4\(f\)\(1\) F.R.Cv. P.](#)) The United States is a party to two multilateral treaties on service of process, the [Hague Service Convention](#) and the Inter-American Service Convention. Procedures for service under these treaties are summarized below, and explained in greater detail in our web pages about the operation of the conventions. See also our [country-specific flyers on service of process](#) or international judicial assistance.

HAGUE SERVICE CONVENTION: The [Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters](#) (20 U.S.T. 361; 658 U.N.T.S. 163, T.I.A.S. No. 6638; 28 U.S.C.A. (Appendix following [Rule 4 FRCvP](#)). See the Hague Conference on Private International Law [web page about the Hague Service Convention](#). The form required for transmittal of service requests to the foreign central authority ([USM-94](#)) is available from the U.S. Marshals Service web page.

NOTE: For the current list of

countries and dependencies party to the Convention, see the [Status Table for the Hague Service Convention](#) on the Hague Conference web page. The column captioned "EIF" (Entered into Force) reflects when the treaty became valid in that country. The Hague Conference designates months with Roman Numerals. It is important to read the reservations (Res), Declarations (D) and Notifications (N) for each country. The foreign central authorities (Auth) are also listed on the [Hague Conference Service Convention page](#).

INTER-AMERICAN SERVICE CONVENTION: The [Inter-American Convention on Letters Rogatory \(OAS Treaty Text B-36\)](#) and List of Ratifications for [OAS Treaty Text B-36](#)), done at Panama January 30, 1975; and [Additional Protocol \(OAS Treaty Text B-46\)](#) and List of Ratifications for [OAS Treaty Text B-46](#)) with Annex [regarding service of process] done at Montevideo, Uruguay on May 8, 1979. Senate Treaty Doc. 98-27; 98th Congress; 2d Session. See the U.S. Department of State Circular on Operations of the Inter-American Convention - In Progress. **Only countries party to both the Convention and the Additional Protocol have a treaty relationship with the United States.** See [Treaties in Force](#) on the U.S. Department of State web page. The Inter-American Service Convention is now in force between the United States and Argentina, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru, United States, Uruguay, and Venezuela. **For the most up to date information about ratifications and accessions to the Convention and the Additional Protocol, see the OAS web pages.** Submit a request for service in a foreign country party to the Convention and Additional Protocol on a form [USM-272](#) (English) and USM 272A (Spanish), available at the office of any United States Marshal or the U.S. Department of Justice's contractor, [Process Forwarding International \(PFI\)](#). Information about how to submit requests is available at <http://www.hagueservice.net/> and <http://www.hagueservice.net/iac.html>. And see [Message to the Senate Transmitting the Inter-American Convention on Letters Rogatory and Additional Protocol \(1984\)](#); [Executive Order 12638 -- Delegation of Functions Relating to the Implementation of the Inter-American Convention on Letters Rogatory and Additional Protocol \(1988\)](#).

U.S. CENTRAL AUTHORITY FOR HAGUE AND INTER-AMERICAN SERVICE TREATIES :

Office of International Judicial Assistance, Civil Division, Department of Justice, 1100 L St., N.W., Room 11006, Washington, D.C. 20530, tel: (202) 307-0983; fax: (202) 514-6584. Requests for service of U.S. documents abroad under the Inter-American Service Convention should be sent to the U.S. Department of Justice's contractor, [Process Forwarding](#)

http://travel.state.gov/law/judicial/judicial_680.html

[International \(PFI\)](#). Information about how to submit requests is available at <http://www.hagueservice.net/>.

SERVICE BY INTERNATIONAL REGISTERED MAIL: ([Rule 4\(f\)\(2\)\(C\)\(ii\) F.R.Cv.P.](#))

registered or certified mail, return receipt requested may be sent to most countries in the world. [Rule 4\(f\)\(2\)\(C\)](#) provides that this method of service may be used unless prohibited by the law of the foreign country. **(But see discussion below regarding treaty obligation to refrain from this method of service in certain countries.)** To ascertain whether such mail service exists in a foreign state, contact your local Post Office to review the International Mail Manual and consult the business section on international mail of the [U.S. Postal Service web page](#) for general information, or contact the Government Printing Office. For a general discussion of service by international mail see Born & Westin, 125-126; Epstein & Snyder, Sec. 4.04[3] p. 4-14 - 4-18; Ristau, Sec. 3-1-11, p. 70.4 - 70.5 (1995 supp.); and Wright & Miller, Sec. 1074, note 6 at 458; Sec. 1092 at 51, 52; Sec. 1134 at 377 regarding international mail conventions and Sec. 1136 regarding proof of service by mail in a foreign country (1987).

HAGUE SERVICE CONVENTION TREATY OBLIGATION TO REFRAIN FROM SERVICE BY MAIL:

American courts have held that formal objections to service by mail made by countries party to a multilateral treaty or convention on service of process at the time of accession or subsequently in accordance with the treaty are honored as a treaty obligation, and litigants should refrain from using such a method of service. See *DeJames v. Magnificence Carriers, Inc.*, 654 F.2d 280 (3d Cir. 1981), [cert. den., 454 U.S. 1085]; *Porsche v. Superior Court*, [123 Cal. App. 3d 755,] 177 Cal. Rptr. 155 (1981).

Note: Service by registered mail **should not be** used in the following countries which notified the treaty repository that it objected to the method described in Article 10(a) (postal channels):

Argentina
Bulgaria
China, PRC
Czech Republic
Egypt
Germany
Greece
Hungary
Japan
Korea
Kuwait
Lithuania
Norway

Poland
Russian Federation
San Marino
Slovak Republic
Sri Lanka
Switzerland
Turkey
Ukraine
Venezuela

These countries have notified the [Hague Conference on Private International Law](#) and the Government of the Netherlands (the repository) on accession, ratification or subsequently that they object to service in accordance with Article 10, sub-paragraph a of the Convention, via postal channels. See Memorandum of the Administrative Office of the U.S. Courts (November 6, 1980) at Cumulative Digest of United States Practice in International Law, 1981-1988, Department of State, Office of the Legal Adviser, 1447 (1994) or Ristau, Sec. 3-1-9, p. 70.2 (1995 supp).

For a definitive up to date information about countries objecting to service by mail (Article 10 a), see the [status table](#) of the Hague Conference on Private International Law Hague Service Convention web page and review the reservations and declarations for each country.

PERSONAL SERVICE BY AGENT: ([Rule 4\(f\)\(2\)\(C\)\(i\) FRCP](#)) If personal service is desired in countries which are not party to the [Hague Service Convention](#), the most expeditious method may be to retain the services of a local foreign attorney or process server. [Rule 4\(f\)\(2\)\(C\)](#) provides for personal service unless prohibited by the laws of the foreign country. The attorney (or agent) can execute an affidavit of service at the nearest [U.S. embassy or consulate](#), or before a local foreign notary which can be authenticated, either with an apostille for countries party to the [Hague Legalization Convention](#), or by a U.S. consular officer at a U.S. Embassy abroad. See our web page guidance about [notarial and authentication services](#) and [7 Foreign Affairs Manual Chapter 800](#). (See Wright & Miller, Sec. 1136 regarding proof of service. See [22 CFR 22.1](#) for the Consular Schedule of Fees for [notarial and authentication](#)

[services](#). Lists of foreign attorneys are available from the Department of State, Bureau of Consular Affairs, Overseas Citizens Services and from [U.S. embassies and consulates abroad](#). See also our web feature, "[Retaining a Foreign Attorney](#)". It should be noted, however, that this method of service may not be considered valid under the laws of the foreign country. If eventual enforcement of the U.S. judgment in the foreign country is foreseen, this method may not suffice. It may be prudent to consult local foreign counsel early in the process on this point. American process servers and other agents may not be authorized by the laws of the foreign country to effect service abroad, and such action could result in their arrest and/or deportation. See Wright & Miller, Sec. 1135 and 1133 (1987) on the subject of who is authorized to serve process abroad.

SERVICE BY LETTER ROGATORY: ([Rule 4\(f\)\(2\)\(B\) F.R.Cv.P.](#); [28 U.S.C. 1696](#)) A letter rogatory, also known as a "letter of request", is a request from a court in the United States to a court in a foreign country requesting international judicial assistance, which is often employed to obtain evidence abroad, but is also utilized in effecting service of process and particularly in those countries which prohibit other methods of service. In some countries service by letters rogatory is the only recognized method of service. Service of a judicial summons, as set forth in [Rule 9\(c\), F.R.Cr. P.](#), may also be effected pursuant to a letter rogatory. Service of process by judicial authorities in the receiving State pursuant to a letter rogatory from a court in the sending State is based on comity. Procedural requirements vary from country to country. See our web page guidance on "[Preparation of Letters Rogatory](#)". See also our [country-specific flyers](#) for any peculiarities of particular countries, or consult the appropriate geographic division of the U.S. Department of State, Bureau of Consular Affairs, Office of American Citizens Services. **Letters rogatory are a time consuming, cumbersome process and should not be utilized unless there are no other options available. If the laws of the foreign country permit other methods of service, the use of letters rogatory is not recommended given the habitual time delays of up to a year or more in execution of the requests.** (See Casad, Jurisdiction in Civil Actions, 4.06(2) (1983 & Supp. 1986); Horlick, A Practical Guide to Service of United States Process Abroad, 14 Int'l Law. 637, 642 (1980); Born & Westin, 123-125, 133-136; Wright & Miller, Federal Practice & Procedure, Sec. 1134 (1987); and Cumulative Digest of United States Practice in International Law, 1981-1988, Department of State, Office of the Legal Adviser, 1442, 1448 (1994).)

SERVICE BY PUBLICATION: Service by publication may also be a viable option, however, this may not be a valid method of service under the laws of the foreign country. If eventual enforcement of a U.S. judgment in a foreign country is foreseen, it may be prudent to consult local foreign counsel or American foreign legal consultants abroad before proceeding with such a method of service. See Wright & Miller, Sec. 1062 at 222 (1987); Sec. 1074, note 17 at 461-463 (1987); 1092; 1112; 1117-1118 and 1996 pocket part.

WAIVER OF SERVICE: ([Rule 4\(d\) F.R.Cv.P.](#)) Waiver of service may also be a viable option, however, this may not be a valid method of service under the laws of the foreign country. If

eventual enforcement of a U.S. judgment in a foreign country is foreseen, it may be prudent to consult local foreign counsel or American foreign legal consultants abroad before proceeding with such a method of service. See Wright & Miller, Sec. 1062 (1987). Waivers of service may be executed before a U.S. consular official abroad in the form of an acknowledgment or affidavit. See our web page about notarial and authentication services abroad.

SERVICE OF SUBPOENA: [28 U.S.C. 1783](#), [28 U.S.C. 1784](#) and Rule 45 of the Federal Rules of Civil Procedure, 28 U.S.C. Appendix provide for service of a subpoena upon a national or resident of the United States in a foreign country. There are no provisions for service upon non-U.S. nationals or residents. See [22 C.F.R. 92.86 - 92.89](#). Consult the Directorate of Overseas Citizens Services of the Department of State Bureau of Consular Affairs for further guidance.

FOREIGN SOVEREIGN IMMUNITIES ACT: U.S. embassies abroad will serve a summons, complaint and notice of suit on a foreign government ([28 U.S.C. 1608 \(a\)\(4\)](#); [22 C.F.R. 93](#)) on instructions from the Department of State, Bureau of Consular Affairs, Office of Policy Review and Inter-Agency Liaison. Similarly, letters rogatory requesting service of process on an agency or instrumentality of a foreign government pursuant to [28 U.S.C. 1608\(b\)\(3\)\(A\)](#) must be transmitted to the Department of State, Office of Policy Review and Inter-Agency Liaison. See Sec. 1608 of the Act for the specific hierarchical service provisions. See also our web page feature about service under the [Foreign Sovereign Immunities Act](#) and [FSIA checklist](#).